



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JJD:JLG/PGS/MEF
F. #2016R01021

*610 Federal Plaza
Central Islip, New York 11722*

August 16, 2023

By ECF

The Honorable Gary R. Brown
United States District Judge
United States District Court
Eastern District of New York
940 Federal Plaza
Central Islip, New York 11722

Re: United States v. Alexi Saenz and Jairo Saenz
Criminal Docket No. 16-403 (S-8)(GRB)

Dear Judge Brown:

The government respectfully submits this letter to update the Court regarding the status of the requests submitted by the defendants Alexi Saenz ("A. Saenz") and Jairo Saenz ("J. Saenz") for the Department of Justice to deauthorize the death penalty.

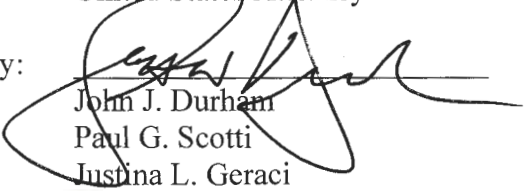
During the July 14, 2023 status conference, the government estimated that the United States Attorney's Office for the Eastern District of New York would be in a position to submit its memorandum regarding its recommendations on the pending deauthorization requests (the "Memorandum") to the Department of Justice by August 15, 2023, which the Court directed that it endeavor to do. Further, the Court directed that the Department of Justice make final decisions on the defendants' deauthorization requests by October 5, 2023. Subsequent to that status conference, counsel for A. Saenz provided the government with substantive, supplemental materials, which rendered the aforementioned timeline untenable. Specifically, on July 21 and 28, 2023, counsel for A. Saenz provided the government with copies of reports prepared by defense experts. After reviewing those reports, the government requested additional information from counsel for A. Saenz regarding such materials and, on August 3, 2023, defense counsel responded that it would not provide any additional information. Given the nature of A. Saenz's supplemental submissions, the government had to consult with its own expert and is incorporating the information provided by the respective experts into the Memorandum. While the government has worked diligently to finalize the Memorandum, it requires additional time to do so, which must be reviewed and approved by multiple supervisors and the United States Attorney before submission to the Department of Justice. The government anticipates that the Memorandum, which reflects the government's recommendations for both defendants, will be submitted to the Department of Justice on or before August 31, 2023.

When it submits the Memorandum, the government will emphasize to the Department of Justice's Capital Case Section that the Court has directed that the Department make a decision by October 5th and the parties are requesting decisions on the deauthorization requests as soon as possible. However, given the complexity of the defendants' requests and the delays resulting from the submission of additional, material documentation from A. Saenz, the Department of Justice may not have final decisions by October 5, 2023. However, the government will provide the Court and the defendants with a further status update prior to the October 6, 2023 status conference.

Respectfully submitted,

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cc: Counsel of Record (By ECF)
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